



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, मंगलवार, 29 अप्रैल, 1980/9 वैशाख, 1902

हिमाचल प्रदेश सरकार

विधि विभाग

अधिसूचना

शिमला-171002, 25 अप्रैल, 1980

क्रमांक एल० एल० आर० डी-(6) 8/79.—हिमाचल प्रदेश दि लैण्ड ऐक्युजिशन अमेंडमेंट बिल, 1979 (1979 का बिल संख्यांक 16) को "भारत के संविधान" के अनुच्छेद 201 के अधीन दिनांक 14 अप्रैल, 1980 को राष्ट्रपति महोदय की स्वीकृति के उपरांत एतद्द्वारा सर्वसाधारण की जानकारी के लिये राजपत्र, हिमाचल प्रदेश में 1980 का अधिनियम संख्यांक 4 के रूप में प्रकाशित किया जाता है।

जय चन्द मल्होत्रा,
सचिव।

Act No. 4 of 1980.

THE LAND ACQUISITION (HIMACHAL PRADESH AMENDMENT) ACT, 1979

AN

ACT

to amend the Land Acquisition Act, 1894 (Act No. 1 of 1894) in its application to the State of Himachal Pradesh.

It is hereby enacted by the Legislative Assembly of Himachal Pradesh in the Thirtieth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Land Acquisition (Himachal Pradesh Amendment) Act, 1979.

Amendment of section 6.

2. In the first proviso to section 6 of the Land Acquisition Act, 1894 (herein after referred to as the principal Act) for the words "three years", the words "two years" shall be substituted.

Amendment of section 12.

3. In sub-section (2) of section 12 of the principal Act, after the word "made", the words "and, where the acquisition of land is not for the purposes of the Union, also send a copy of the award to the State Government" shall be added.

Insertion of new section 12-A.

4. After section 12 of the principal Act, the following new section shall be inserted, namely:—

"12-A. *Power to correct award.*—(1) The Collector may, at any time but not later than six months from the date of award, or where a reference is required to be made under section 18, before making of such reference, correct any clerical or arithmetical mistake in the award either on his own motion or on the application of any person interested.

(2) The Collector shall give immediate notice of any correction made in the award to all persons interested and, where the acquisition of land is not for the purposes of the Union, also to the State Government.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), such person shall be liable to refund the excess, and if he defaults or refuses to pay, the same may be realised as an arrear of land revenue."

Amendment of section 17.

5. In section 17 of the principal Act—

(i) after sub-section (1), the following explanation shall be added, namely:—

"*Explanation.*—This sub-section shall apply to any waste or arable land, notwithstanding the existence therein of scattered trees or temporary structures, such as huts, pandals or sheds:";

(ii) for sub-section (2), the following shall be substituted, namely:—

"(2) In the following cases, that is to say,—

(a) whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any railway

administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a river-side or ghat station, or of providing convenient connection with or access to any such station ;

- (b) whenever in the opinion of the Collector it becomes necessary to acquire the immediate possession of any land for the purpose of any library or educational institution or for the construction, extension or improvement of any building or other structure in any village for the common use of the inhabitants of such village, or any godown for any society registered under the Himachal Pradesh Co-operative Societies Act, 1969 or any dwelling-house for the poor, or the construction of labour colonies or houses for any other class of people under the Government-sponsored housing scheme, or any irrigation tank, irrigation or drainage, channel, or any well, or any public road ;
- (c) whenever land is required for a public purpose which in the opinion of the appropriate Government is of urgent importance ;

the Collector may, immediately after the publication of the notice mentioned in sub-section (1) and with the previous sanction of the appropriate Government, enter upon and take possession of such land, which shall thereupon vest absolutely in the Government free from all encumbrances :

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours' notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience. "

6. After sub-section (2) of section 18 of the principal Act, the following sub-section shall be added, namely :—

Amendment
of section
18.

- "(3) Any order made by the Collector on an application under this section shall be subject to revision by the High Court, as if the Collector were a court subordinate to the High Court within the meaning of section 115 of the Code of Civil Procedure, 1908."

7. In section 31 of the principal Act,—

Insertion
a. in
sub-section
(3-A) as
substitution
of sub-section
of section
31.

(a) after sub-section (3), the following sub-section (3-A) shall be inserted :—

- "(3-A) Notwithstanding anything in this section, if the person interested in the land is willing to accept the compensation in kind, instead of money, the Collector may further, with the sanction of the appropriate Government, instead of awarding a money compensation in respect of any land, give some other land of equivalent value in exchange of the land acquired and thereby pay the compensation awarded in whole or in part in accordance with the market value of the land so given in exchange. ;

(b) for sub-section (4) the following sub-section (4) shall be substituted :—

- "(4) Nothing in the last foregoing sub-sections (3) and (3-A) shall be construed to interfere with or limit the power of the Collector to enter into any arrangement with any person interested in the land and competent to contract in respect thereof."

section of
w section
-A.

8. After section 52 of the principal Act, the following new section shall be inserted, namely:—

“52-A. *Protection of compensation.*—No compensation awarded or awardable under this Act—

- (a) before it is actually paid to the person entitled to receive the same; or
- (b) before or after it is actually paid to the person entitled to receive the same in respect of any land which is not liable under the law for the time being in force to attachment or sale in execution of a decree or order of any court; shall be liable to seizure, attachment or sequestration by process of any court, at the instance of a creditor, for any demand against the person entitled to compensation, or in satisfaction of a decree or order of any court, and, notwithstanding anything to the contrary in any law for the time being in force, neither the official assignee nor any receiver appointed under any law shall be entitled to proceed against or to have any claim on any such compensation.”

repeal and
vings.

9. The Land Acquisition (East Punjab Amendment) Act, 1948, the Land Acquisition (Punjab Amendment) Act, 1953, the Land Acquisition (Punjab Amendment) Act, 1956, and the Land Acquisition (Punjab Second Amendment) Act, 1956, as in force in the areas comprised in Himachal Pradesh immediately before the 1st November, 1966 and the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, the Land Acquisition (Punjab Amendment) Act, 1962 as in force in the said added territories and the Land Acquisition (Himachal Pradesh Amendment) Act, 1964, as in force in the areas comprised in Himachal Pradesh prior to 1st November, 1966 are hereby repealed :

Provided that all appointments, rules and orders made, all notifications and notices issued, all transactions entered into and all suits and proceedings instituted under any of the Acts repealed under this section, so far as they are consistent with the provisions of this Act, shall be deemed to have been respectively made, issued, entered into and instituted under this Act.